



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 26, 1995

Ms. Lisa A. Brown  
Bracewell & Patterson, L.L.P.  
South Tower Pennzoil Place  
711 Louisiana Street, Suite 2900  
Houston, Texas 77002-2781

OR95-497

Dear Ms. Brown:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33011.

The Cypress-Fairbanks Independent School District (the "school district") received a request for information relating to an incident at Cypress Creek High School that occurred on April 5, 1995, involving teachers and students. The requestor, a parent of one of the students involved in the incident, seeks all papers addressing the incident, including all statements from teachers and students. You contend that certain written statements prepared by students and teachers, are excepted from required disclosure based upon section 552.114 of the Government Code and the federal Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g. You have submitted for our review copies of the student's and teachers' written statements at issue which contain narrative descriptions of the incident on April 5, 1995, and name individual students. You have marked portions of these statements which you contend are excepted from required disclosure.

Sections 552.026 and 552.114 incorporate the requirements of FERPA into the Open Records Act. Open Records Decision No. 431 (1985). FERPA provides in relevant part the following:

(a)(1)(A) No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children. . . .

We have examined the information submitted for our review. The student's handwritten statement must be withheld from disclosure. Additionally, because the information contained in the teachers' statements is applicable to a relatively small number of students, we conclude that the marked portions of the written statements made by the teachers also must be withheld. The remainder of the information must be released to the requestor.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Kathryn P. Baffes". The signature is fluid and cursive, with the first name "Kathryn" being more prominent and the last name "Baffes" following in a similar style.

Kathryn P. Baffes  
Assistant Attorney General  
Open Government Section

KPB/LRD/rho

Ref: ID# 33011

Enclosures: Submitted documents